No. 80-762

In the Supreme Court of the United States

OCTOBER TERM, 1980

FLEUR WILLIAMS, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

WADE H. MCCREE, JR.
Solicitor General
Department of Justice
Washington, D.C. 20530
(202) 633-2217

In the Supreme Court of the United States

OCTOBER TERM, 1980

No. 80-762

FLEUR WILLIAMS, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

Following a jury trial in the United States District Court for the Eastern District of New York, petitioner was convicted of possession with intent to distribute cocaine, in violation of 21 U.S.C. 841(a)(1). He was sentenced to six years' imprisonment to be followed by six years' special parole. The court of appeals affirmed (Pet. App. A). On December 3, 1980, Mr. Justice Marshall denied petitioner's application for a stay of the mandate. Upon issuance of the mandate by the court of appeals, petitioner was ordered to appear on December 9, 1980, to commence service of his sentence. He failed to surrender, however, and he is currently at large. In light of petitioner's present fugitive status, he is not entitled "to call upon the resources of the Court for determination of his claims." *Molinaro* v. *New Jersey*, 396 U.S. 365, 366 (1970).

It is therefore respectfully submitted that the petition for a writ of certiorari should be denied.

WADE H. MCCREE, JR.
Solicitor General

DECEMBER 1980

DOJ-1980-12